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EXAMINER

MARKS, JACOB B

ART UNIT

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4111

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DELIVERY MODE

11/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/523,543

**Applicant(s)**

HAKUNTI ET AL.

**Examiner**

JACOB MARKS

**Art Unit**

4111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date 1-31-2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- 5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- 10

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being anticipated by Law et al. (U.S. Pat. No. 5,733,674) in view of Dinsdale (U.S. Pat. No. 6,117,575).

15

Claim 1 recites a "means (32) for receiving at least one exchangeable battery (20) at a side opposite to said outer surface (30) and means (33, 34) for connecting said battery holder (30) releasably to an electronic device..." The specification supports and illustrates in figure 1 (see fig. 1; pg. 6 line 6-pg. 7 line 8) the means for receiving the exchangeable battery and the means for connecting the battery holder releasably to an electronic device. Accordingly, this means-plus-function language invokes 35 U.S.C. 112, sixth paragraph limitation (see MPEP § 2181).

20

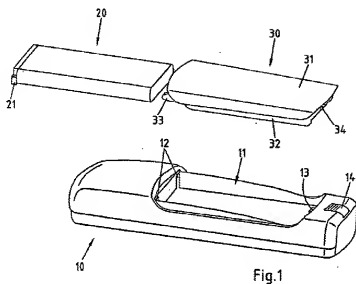
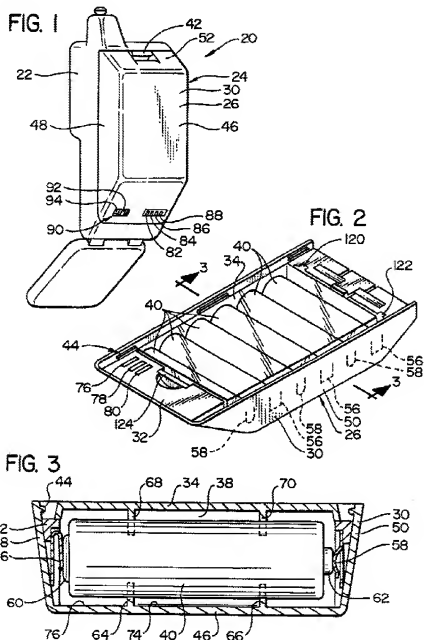


Fig.1

Regarding Claim 1, Law et al. teaches a battery holder (26) for an electronic device comprising an outer surface (30), means (34) for receiving at least one exchangeable battery (40) at a side opposite to said outer surface (34) and means (120, 122, 124) for connecting said battery holder (26) releasably to an electronic device and that the outer surface (30) of the battery holder (26) forms part of the outer surface of the electronic device (Law et al. spec. fig. 1; col. 6 line 35-col. 7 line 35).

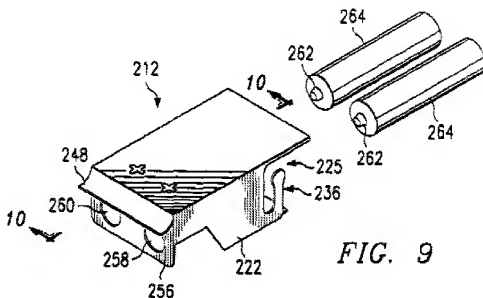
Law et al. does not teach that the electrical contact elements of the at least one battery received by said battery holder come into contact with the electrical elements of said electronic device.



However, Dinsdale (figure 9) teaches a battery holder wherein the electrical contact elements (262) of the at least one battery (264) could come into direct contact with the electronic device through a pair of cutouts (258, 260; col. 5 lines 20-37).

5 Furthermore, the use of a direct electrical contact element in Dinsdale combined with

the battery holder of Law et al. is a simple substitution of one known element for another to obtain predictable results (see MPEP 2143). Therefore, it would have been obvious to a person of ordinary skill in the art to make the above substitution and one of ordinary skill in the art would know that, whether the battery contacts the electronic device directly or not, there would be the same predictable result of the electronic device being powered.



Regarding claim 2, Law et al. teaches a battery holder (26), wherein the receiving means comprises guiding elements (fig. 3 #68, #70) for enabling guided reception of at least one battery (fig. 3 #40). Dinsdale also discloses guiding elements for enabling guided reception of the at least one battery as shown by the walls (222) and the cutouts (258, 260) of the apparatus shown above in figure 9. The combination of the guiding elements of Dinsdale with the battery holder of Law et al. would be a simple substitution of one known element for another to obtain a predictable result (see MPEP 2143). One

of ordinary skill in the art could have made the above described substitution and would have known that the result predictably would have been that the battery would be stabilized within the battery holder.

Claim 3 recites a "battery holder (30) according to claim 2 further comprising

5 locking means for fixing at least one received battery (20) to said battery holder (30).

Applicant's specification supports and illustrates in figure 1 the locking means (33) (applicant's spec. pg. 7 par. 1). Accordingly, this means-plus-function language invokes a 35 U.S.C. 112, sixth paragraph limitation (see MPEP § 2181). The specification discloses a locking means that comprises "a tiny projection arranged between the small  
10 projections 33, which tiny projection extends along a middle part of the corresponding narrow side of the battery holder 30 opposite to its surface 31" (pg. 7 par. 1). The claim limitation is therefore interpreted as encompassing a tiny projection that extends across the side opposite the surface 31 and all of its equivalent structures.

The applicant is advised that the Supreme Court recently clarified that a claim

15 can be proved obvious merely by showing that the combination of known elements was obvious to try. In this regard, the Supreme Court explained that, "[w]hen there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill in the art has a good reason to pursue the known options within his or her technical grasp." An obviousness  
20 determination is not the result of a rigid formula disassociated from the consideration of the facts of the case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.

Regarding claim 3, The combination of familiar elements is likely to be obvious when it does no more than yield predictable results. Furthermore, the simple substitution of one known element for another is likely to be obvious when predictable results are achieved. See *KSR Int'l v. Teleflex Inc.*, 127 Sup. Ct. 1727, 1742 (2007);

5 MPEP § 2143). Law et al. discloses an inner wall in a battery holder that could act to as a locking means for at least one battery to the battery holder (fig. 2 #34). Dinsdale also discloses a locking means (fig. 9 #222), which is the wall of the battery holder that would be capable of locking the battery to the battery holder. Law et al. and Dinsdale disclose different methods of locking the battery to the battery holder, however, use of a  
10 projection, or its equivalent, to lock the battery into place would be obvious to try. The tiny projection that would act as a means to lock the battery into place would have solved a need for the outer cover of the battery holder to stay connected to the battery. Furthermore, there are only a finite number of ways to fix the battery into the battery holder and one of ordinary skill in the art would have pursued this solution and would  
15 have had a reasonable expectation of the battery being locked into place.

Claim 4 recites "a battery holder according to claim 3, wherein said means (33,34) for connecting said battery holder (30) releasably to an electronic device [which] compris[es] first connecting means (33) for interacting with first connecting means (12) of an electronic device and second connecting means (34) or interacting in a snapping  
20 manner with second connecting means (13) of said electronic device when said first connecting means of said batter holder (30) are interacting with said first connecting means (12) of said electronic device." The applicants specification supports and



illustrates in figure 1 the first connecting means (33); the first connecting means (12) of an electronic device; the second connecting means (34); and second connecting means (13) of an electronic device. The first connecting means (33) is interpreted to encompass a projection on the battery holder (see spec. pgs. 6-7 par. 29) and its  
5 equivalents. The first connecting means (12) of an electronic device is interpreted to encompass a groove or an eye (see spec. pgs. 6-7 par. 30) and its equivalents. The second connecting means (34) is interpreted to encompass a snapping connection and its equivalents (see spec. pgs. 6-7 par. 29). The second connecting means (13) of an electronic device is interpreted to encompass a snapping connection, which is  
10 complementary to the second connecting means (34), and its equivalents.

Regarding claim 4, Law et al. discloses the first connecting means (33) and the first connecting means 12 of an electronic device. Law et al. teaches that the first connecting means may comprise hooks (122, 120, col. 8 line 66-col. 9 line 10). Law et al. does not specifically describe what the first connecting means (12) of an electronic  
15 device are, but these first connecting means of an electronic device could be implicitly described in the specification as grooves or holes (see col. 8 line 66 – col. 9 line 10).

The combination of familiar elements is likely to be obvious when it does no more than yield predictable results. Furthermore, the simple substitution of one known element for another is likely to be obvious when predictable results are achieved. See  
20 KSR Int'l v. Teleflex Inc., 127 Sup. Ct. 1727, 1742, 82 USPQ2d 1385, 1397 (2007) (see MPEP § 2143).

There are a finite number of possible mechanisms to connect one end of a battery holder to an electronic device. As discussed above, Law et al. discloses using a hook and a groove or hole instead of a groove and a projection. Using a projection and a groove would be obvious to try in light of Law et al.'s disclosure of using a groove and a hook (122, 120, col. 8 line 66-col. 9 line 10).

In addition, Law et al. discloses a second connecting means (34) for interacting in a snapping manner with a second connecting means (13) of an electronic device that acts while the first connecting means are interacting. Law et al. teaches a second connecting means (fig. 2 # 124) can be a detent latch. This latch could act in a snapping manner with the second connecting means (13) of an electronic device. Law et al. discloses that the first connecting means of electronic device can be projection (col. 8 line 66-col. 9 line 10), which would complement the latch so that the snapping is achievable.

Regarding claim 5, Law et al. discloses a cover for an electronic device as described above (see Law et al. fig. 1 # 26). The battery holder being connected to said cover (10) by means (33,34) for releasable connecting said battery holder (30) to an electronic device would have been obvious to try. There are a finite number of possible mechanisms to connect one end of a battery holder to an electronic device. As discussed above, Law et al. discloses using a hook and a groove or hole instead of a groove and a projection. Using a projection and a groove would be obvious to try in light of Law et al.'s disclosure of using a groove and a hook (122, 120, col. 8 line 66-col. 9 line 10).

In addition, Law et al. discloses a second connecting means (34) for interacting in a snapping manner with a second connecting means (13) of an electronic device that acts while the first connecting means are interacting. Law et al. teaches a second connecting means (fig. 2 # 124) can be a detent latch. This latch could act in a snapping manner with the second connecting means (13) of an electronic device. Law et al. discloses that the first connecting means of electronic device can be projection (col. 8 line 66-col. 9 line 10), which would complement the latch so that the snapping is achievable.

Regarding claim 6, Law et al. discloses a button for releasing the battery holder. In the specification, Law et al. refers to a detent latch, which may be depressed to release the battery holder from the electronic device (col. 8 line 65-col. 9 line 10). This button also interacts with the means (13, 34) connecting the battery holder by using said means as a pivot point (col. 8 line 65-col. 9 line 10).

Regarding claim 7, Law et al. discloses an electronic device as described above (see Law et al. fig. 1 # 22). Including the feature of a battery holder (30) that is connected to said electronic device by said means (33, 34) for releasably connecting said battery holder (30) to an electronic device would have been obvious to try.

There are a finite number of possible mechanisms to connect one end of a battery holder to an electronic device. As discussed above, Law et al. discloses using a hook and a groove or hole instead of a groove and a projection. Using a projection and a groove would be obvious to try in light of Law et al.'s disclosure of using a groove and a hook (122, 120, col. 8 line 66-col. 9 line 10).

In addition, Law et al. discloses a second connecting means (34) for interacting in a snapping manner with a second connecting means (13) of an electronic device that acts while the first connecting means are interacting. Law et al. teaches a second connecting means (fig. 2 # 124) can be a detent latch. This latch could act in a snapping manner with the second connecting means (13) of an electronic device. Law et al. discloses that the first connecting means of electronic device can be projection (col. 8 line 66-col. 9 line 10), which would complement the latch so that the snapping is achievable.

Regarding claim 8, Law et al. discloses an electronic device comprising a button for releasing said battery holder (26) from said electronic device, which button interacts with means (42, 124) connecting said battery holder (26) to said electronic device (see col. 8 line 65-col. 9 line 10; discussion of claim 7 *supra*; discussion of claim 6 *supra*).

Claim 9 recites a "battery holder (30) according to claim 1 further comprising locking means for fixing at least one received battery (20) to said battery holder (30). As discussed above, the specification does not support the means-plus-function limitation of the claim language. Therefore, the claim does not invoke 35 U.S.C. 112, sixth paragraph and is given its broadest reasonable interpretation.

Regarding Claim 9, the locking means for fixing at least one received battery to said battery holder is interpreted to mean the walls of the battery holder. Law et al. discloses an inner wall in a battery holder that could act to as a locking means for at least one battery to the battery holder (fig. 2 #34). Dinsdale also discloses a locking

means (fig. 9 #222), which is the wall of the battery holder that would be capable of locking the battery to the battery holder.

Claim 10 recites “a battery holder according to claim 3, wherein said means (33,34) for connecting said battery holder (30) releasably to an electronic device [which] 5 compris[es] first connecting means (33) for interacting with first connecting means (12) of an electronic device and second connecting means (34) or interacting in a snapping manner with second connecting means (13) of said electronic device when said first connecting means of said batter holder (30) are interacting with said first connecting means (12) of said electronic device.” The applicants specification supports and 10 illustrates in figure 1 the first connecting means (33); the first connecting means (12) of an electronic device; the second connecting means (34); and second connecting means (13) of an electronic device. The first connecting means (33) is interpreted to encompass a projection on the battery holder (see spec. pgs. 6-7 par. 29) and its equivalents. The first connecting means (12) of an electronic device is interpreted to 15 encompass a groove or an eye (see spec. pgs. 6-7 par. 30) and its equivalents. The second connecting means (34) is interpreted to encompass a snapping connection and its equivalents (see spec. pgs. 6-7 par. 29). The second connecting means (13) of an electronic device is interpreted to encompass a snapping connection, which is complementary to the second connecting means (34), and its equivalents.

20 Regarding claim 10, Law et al. discloses the first connecting means (33) and the first connecting means 12 of an electronic device. Law et al. teaches that the first connecting means may comprise hooks (122, 120, col. 8 line 66-col. 9 line 10). Law et

al. does not specifically describe what the first connecting means (12) of an electronic device are, but these first connecting means of an electronic device could be implicitly described in the specification as grooves or holes (see col. 8 line 66 – col. 9 line 10).

The combination of familiar elements is likely to be obvious when it does no more  
5 than yield predictable results. Furthermore, the simple substitution of one known element for another is likely to be obvious when predictable results are achieved. See KSR Int'l v. Teleflex Inc., 127 Sup. Ct. 1727, 1742, 82 USPQ2d 1385, 1397 (2007) (see MPEP § 2143).

There are a finite number of possible mechanisms to connect one end of a  
10 battery holder to an electronic device. As discussed above, Law et al. discloses using a hook and a groove or hole instead of a groove and a projection. Using a projection and a groove would be obvious to try in light of Law et al.'s disclosure of using a groove and a hook.

In addition, Law et al. discloses a second connecting means (34) for interacting  
15 in a snapping manner with a second connecting means (13) of an electronic device that acts while the first connecting means are interacting. Law et al. teaches a second connecting means (fig. 2 # 124) can be a detent latch. This latch could act in a snapping manner with the second connecting means (13) of an electronic device. Law et al. discloses that the first connecting means of electronic device can be projection  
20 (col. 8 line 66-col. 9 line 10), which would complement the latch so that the snapping is achievable.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB MARKS whose telephone number is (571)270-7873. The examiner can normally be reached on Monday through Friday 7:30-5:00 alt  
5 Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sines can be reached on 571-272-1263. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the  
10 Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic  
15 Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

20

/Brian J. Sines/

Supervisory Patent Examiner, Art Unit 4111